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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,496	10/01/2003	Akiko Onishi	00862.023332.	4228
5514 7590 05/23/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER HUNTSINGER, PETER K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,496

Applicant(s)

ONISHI, AKIKO

Examiner

Peter K. Huntsinger

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/28/08 have been fully considered but they are not persuasive.

The applicant argues on pages 10 and 11 of the response in essence that: Suzuki '013 fails to disclose displaying a page setting to set a partial print attribute on which a user can confirm the print attribute.

a. Suzuki '013 discloses that with display 106, the operator enters any changes to print attributes (col. 12, lines 38-52). The display 106 displays the image of each page and allows the user to check the contents before printing (col. 9, lines 46-56).

The applicant argues on pages 10 and 11 of the response in essence that: Suzuki '013 fails to disclose using a setting screen of the printer driver.

b. Suzuki '013 discloses a job interpretation module (print driver) functions as the job description creation module and page data creation module (col. 2, lines 39-49).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 7-9, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki '013.

Referring to **claim 1**, Suzuki '013 discloses a printing control method executed in an information processing apparatus which has a printer driver to convert data into print data which a printing apparatus can process, said printing control method comprising:

a first setting step of setting a print attribute to be applied to the print data in response to instruction input using a setting screen of the printer driver (job description file 14 of Fig. 1, col. 5, lines 7-13, constrains print attributes associated with the whole print job) (col. 2, lines 39-49, job interpretation module [printer driver] functions as the job description creation module and page data creation module);

a displaying step of displaying a page setting screen to set a partial print attribute to be applied to a designated page in response to an instruction input using a setting screen of the printer driver, wherein the page setting screen is a screen on which a user can confirm the print attribute set in said first setting step (col. 9, lines 46-56 display 106 displays the image of each page and allows the user to check the contents before printing); and

a second setting step of setting the partial print attribute to be applied to a page designated using the page setting screen (col. 12, lines 38-52, the operator enters any changes to print attributes with display 106), in response to an instruction input using the page setting screen (print data 16 of Fig. 1, col. 5, lines 7-13, associated with print attribute of each page);

wherein said displaying step displays a page setting screen on which a user can confirm the print attribute set in said first setting step when an instruction to display the page setting screen to set a partial print attribute to be applied to a page different from the page designated in said second setting step is input (col. 9, lines 46-56 display 106 displays the image of each page and allows the user to check the contents before printing).

Referring to **claim 2**, Suzuki '013 discloses a converting step of converting the data into the print data based upon the print attribute for the print data set in said first setting step and the print attribute set in said second setting step (col. 11, lines 2-9, creates data according to the job description file and page data and sends it to the printer).

Referring to **claim 3**, Suzuki '013 discloses wherein, in said displaying step, the page setting screen is displayed so that a user can confirm all items of the print attribute set in said first setting step on the page setting screen (col. 9, lines 46-56 display 106 displays the image of each page and allows the user to check the contents before printing).

Referring to **claim 4**, Suzuki '013 discloses wherein, in said first setting step, the set values of items of the print attribute including paper types, paper supplying methods, print quality and/or color adjustment are changed from initial values to be applied to the print data (col. 6-7, lines 56-67, 1-5, job description file includes paper size), and in said displaying step, the items for which initial values are changed in said first setting step

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are displayed (col. 9, lines 46-56 display 106 displays the image of each page and allows the user to check the contents before printing).

Referring to **claim 7**, see the rejection of claim 1 above.

Referring to **claim 8**, see the rejection of claim 3 above.

Referring to **claim 9**, see the rejection of claim 4 above.

Referring to **claim 11**, see the rejection of claim 1 above.

Referring to **claim 13**, see the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki '013 as applied to claim 1 above, and further in view of well known prior art.

Referring to **claim 5**, Suzuki '013 discloses print data but does not disclose expressly the print data is bitmap data.

Official Notice is taken that it is well known and obvious in the art to print bitmap data (See MPEP 2144.03). The motivation for doing so would have been to utilize printing a particular data format that is desired by the user. Therefore, it would have been obvious to combine Suzuki '013 and well known prior art to obtain the invention as specified in claim 5.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625